

EXHIBIT A

SUM-100

SUMMONS

(CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Costco Wholesale Corporation; and Does 1 to 50

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Jean Eileen Brady

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

Electronically filed
by Superior Court of CA,
County of Santa Clara,
on 5/13/2022 5:18 PM
Reviewed By: M. Dominguez
Case #22CV398385
Env #8986782

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

SANTA CLARA SUPERIOR COURT
191 North First Street
San Jose, California 95113

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Timothy D. McMahon, Esq., SB#117024/Ben H. Stoddard, Esq., SB#306181
CORSIGLIA McMAHON & ALLARD, LLP 96 North Third Street, Suite 620
San Jose, CA 95112 - Telephone: (408) 289-1417

CASE NUMBER
(Número del Caso): 22CV398385

DATE: 5/13/2022 5:18 PM Clerk, by M. Dominguez, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under:

<input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. ☐ by personal delivery on (date):

Page 1 of 1

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Timothy D. McMahon, Esq., SB#117024/Ben H. Stoddard, Esq., SB#306181 CORSIGLIA McMAHON & ALLARD, LLP 96 North Third Street, Suite 620 San Jose, CA 95112 TELEPHONE NO.: (408) 289-1417 FAX NO. (Optional): (408) 289-8127 E-MAIL ADDRESS: ben@cmalaw.net ATTORNEY FOR (Name): Plaintiff, Jean Brady	FOR COURT USE ONLY Electronically Filed by Superior Court of CA, County of Santa Clara, on 5/13/2022 5:18 PM Reviewed By: M. Dominguez Case #22CV398385 Envelope: 8986782
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 North First Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, California 95113 BRANCH NAME: Civil Division	CASE NUMBER 22CV398385 JUDGE: DEPT.:
CASE NAME: Jean Brady vs. Costco Wholesale Corporation, Inc.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case: Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): Two
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 13, 2022

Ben H. Stoddard, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability *(not asbestos or toxic/environmental)* (24)
Medical Malpractice (45)
Medical Malpractice—
Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice *(not medical or legal)*
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract *(not unlawful detainer or wrongful eviction)*
Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic relations)*
Sister State Judgment
Administrative Agency Award *(not unpaid taxes)*
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint *(not specified above)* (42)
Declaratory Relief Only
Injunctive Relief Only *(non-harassment)*
Mechanics Lien
Other Commercial Complaint Case *(non-tort/non-complex)*
Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Timothy D. McMahon, Esq., SB#117024/Ben H. Stoddard, Esq., SB#306181 CORSIGLIA McMAHON & ALLARD, LLP 96 North Third Street, Suite 620 San Jose, CA 95112 TELEPHONE NO.: (408) 289-1417 FAX NO. (Optional): (408) 289-8127 E-MAIL ADDRESS (Optional): ben@cmalaw.net ATTORNEY FOR (Name): Plaintiff, Jean Brady	FOR COURT USE ONLY E-FILED 5/13/2022 5:18 PM Clerk of Court Superior Court of CA, County of Santa Clara 22CV398385 Reviewed By: M. Dominguez
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 North First Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, California 95113 BRANCH NAME: Civil Division	
PLAINTIFF: Jean Eileen Brady DEFENDANT: Costco Wholesale Corporation; and <input checked="" type="checkbox"/> DOES 1 TO 50	
COMPLAINT-Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Premises Liability; <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death General Negligence <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	CASE NUMBER: 22CV398385
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	

1. Plaintiff (name or names): Jean Eileen Brady

alleges causes of action against defendant (name or names): Costco Wholesale Corporation; and
 Does 1 to 50

2. This pleading, including attachments and exhibits, consists of the following number of pages: 5

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
 (2) ☐ an unincorporated entity (describe):
 (3) ☐ a public entity (describe):
 (4) ☐ a minor ☐ an adult
 (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 (b) ☐ other (specify):
 (5) ☐ other (specify):

b. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
 (2) ☐ an unincorporated entity (describe):
 (3) ☐ a public entity (describe):
 (4) ☐ a minor ☐ an adult
 (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 (b) ☐ other (specify):
 (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

Page 1 of 3

PLD-PI-001

SHORT TITLE:

Jean Eileen Brady vs. Costco Wholesale Corporation, et al.

CASE NUMBER:

4. ☐ Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name):
Costco Wholesale Corporation
(1) ☐ a business organization, form unknown
(2) ☒ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- c. ☐ except defendant (name):

(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- b. ☐ except defendant (name):

(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- d. ☐ except defendant (name):

(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1-25 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 26-50 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
- b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
- d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:

Jean Eileen Brady vs. Costco Wholesale Corporation, et al.

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☒ Other (*specify*):
Prejudgment interest.

11. Plaintiff has suffered

- a. ☐ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☐ loss of earning capacity
- g. ☒ other damage (*specify*):
According to proof.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages
- The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: May 13, 2022

Ben H. Stoddard, Esq.

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Jean Eileen Brady vs. Costco Wholesale Corporation, et al.	CASE NUMBER:
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FIRST

CAUSE OF ACTION - Premises Liability

Page 4

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint
 (Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Jean Eileen Brady

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): November 6, 2021 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Plaintiff Jean Eileen Brady was injured while shopping at the Costco store located at 2376 S. Evergreen Loop, San Jose, California, County of Santa Clara. The injury occurred when Plaintiff tripped on a dangerous and negligently placed wooden pallet.

Prem.L-2. ☒ **Count One-Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
 Costco Wholesale Corporation, Inc.; and

☒ Does 1 to 50

Prem.L-3. ☐ **Count Two-Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

☐ Does _____ to _____Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three-Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does _____ to _____

a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☐ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

☐ Does _____ to _____

b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are
☐ described in attachment Prem.L-5.b ☐ as follows (names):

SHORT TITLE:

Jean Eileen Brady vs. Costco Wholesale Corporation, et al.

CASE NUMBER:

SECOND**CAUSE OF ACTION- General Negligence**Page 5

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Jean Eileen Brady

alleges that defendant (name): Costco Wholesale Corporation; and

☒ Does 1 to 50

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): November 6, 2021

at (place): Costco located at 2376 S. Evergreen Loop, San Jose, California, County of Santa Clara

(description of reasons for liability) :

Plaintiff incorporates by reference the allegations contained in each paragraph of this complaint, including each and every allegation of the First Cause of Action as though fully set forth herein.

1. On or about November 6, 2021, Plaintiff Jean Eileen Brady was shopping at the Costco warehouse located at 2376 S. Evergreen Loop, San Jose, California, in the County of Santa Clara.

2. At all times relevant herein Defendants COSTCO WHOLESALE CORPORATION, and DOES 1 to 50 occupied, owned, operated, and/or controlled the premises of the 2376 S. Evergreen Loop, San Jose, CA store.

3. On or before the date of the injury, Defendants placed a low-profile wooden pallet containing produce on or near a customer walkway in the warehouse.

4. At the time of the incident a portion of the low-profile wooden pallet contained little or no product on it, resulting in a portion of the pallet having nothing present to alert customers to its presence or call customers' attention to the fact that the edges of the pallet were protruding out into the customers' walking space where customers could trip over it.

5. Defendants' placement of the low-profile wooden pallet in the manner described was negligent and created an unsafe and unreasonably dangerous tripping hazard for customers and guests of their store.

6. While shopping in the produce section of the Costco warehouse and walking near this low-profile wooden pallet, Plaintiff JEAN EILEEN BRADY was unaware that the edge of the low-profile wooden pallet was protruding into the space where customers walk.

7. As she was walking by the wooden pallet, one of Plaintiff's feet struck the edge of wooden pallet, causing her to trip and fall and sustain serious and permanent injuries, including a fracture of the proximal humerus.

8. As a direct and proximate result of Defendants' negligence described herein, Plaintiff Jean Eileen Brady was severely injured and sustained significant personal injury damages, including special and general damages as alleged herein.

ATTACHMENT CV-5012

CIVIL LAWSUIT NOTICE

Superior Court of California, County of Santa Clara
191 North First St., San José, CA 95113

CASE NUMBER: 22CV398385

PLEASE READ THIS ENTIRE FORM

PLAINTIFF (the person suing): Within 60 days after filing the lawsuit, you must serve each Defendant with the *Complaint*, *Summons*, an *Alternative Dispute Resolution (ADR) Information Sheet*, and a copy of this *Civil Lawsuit Notice*, and you must file written proof of such service.

DEFENDANT (The person sued): You must do each of the following to protect your rights:

1. You must file a **written response** to the *Complaint*, using the proper legal form or format, in the Clerk's Office of the Court, within **30 days** of the date you were served with the *Summons* and *Complaint*;
2. You must serve by mail a copy of your written response on the Plaintiff's attorney or on the Plaintiff if Plaintiff has no attorney (to "serve by mail" means to have an adult other than yourself mail a copy); and
3. You must attend the first Case Management Conference.

Warning: If you, as the Defendant, do not follow these instructions, you may automatically lose this case.

RULES AND FORMS: You must follow the California Rules of Court and the Superior Court of California, County of <_CountyName_> Local Civil Rules and use proper forms. You can obtain legal information, view the rules and receive forms, free of charge, from the Self-Help Center at 201 North First Street, San José (408-882-2900 x-2926).

- State Rules and Judicial Council Forms: www.courtinfo.ca.gov/forms and www.courtinfo.ca.gov/rules
- Local Rules and Forms: <http://www.sccsuperiorcourt.org/civil/rule1toc.htm>

CASE MANAGEMENT CONFERENCE (CMC): You must meet with the other parties and discuss the case, in person or by telephone at least 30 calendar days before the CMC. You must also fill out, file and serve a *Case Management Statement* (Judicial Council form CM-110) at least 15 calendar days before the CMC.

You or your attorney must appear at the CMC. You may ask to appear by telephone – see Local Civil Rule 8.

Your Case Management Judge is: Manoukian, Socrates P Department: 20

The 1st CMC is scheduled for: (Completed by Clerk of Court)
Date: 10/04/2022 Time: 3:00 PM in Department: 20

The next CMC is scheduled for: (Completed by party if the 1st CMC was continued or has passed)
Date: Time: in Department:

ALTERNATIVE DISPUTE RESOLUTION (ADR): If all parties have appeared and filed a completed *ADR Stipulation Form* (local form CV-5008) at least 15 days before the CMC, the Court will cancel the CMC and mail notice of an ADR Status Conference. Visit the Court's website at www.sccsuperiorcourt.org/civil/ADR/ or call the ADR Administrator (408-882-2100 x-2530) for a list of ADR providers and their qualifications, services, and fees.

WARNING: Sanctions may be imposed if you do not follow the California Rules of Court or the Local Rules of Court.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TIMOTHY D. McMAHON, ESQ (SBN 117024) BEN H. STODDARD, ESQ. (SBN 306181) CORSIGLIA McMAHON & ALLARD, LLP 96 NORTH THIRD STREET, SUITE 620, SAN JOSE, CA 95112 TELEPHONE NO.: (408) 289-1417 FAX NO. (Optional): (408) 289-8127 E-MAIL ADDRESS (Optional): ben@cmalaw.net ATTORNEY FOR (Name): JEAN BRADY, PLAINTIFF	FOR COURT USE ONLY Electronically Filed by Superior Court of CA, County of Santa Clara, on 6/15/2022 4:46 PM Reviewed By: R. Fleming Case #22CV398385 Envelope: 9228001
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 NORTH FIRST STREET MAILING ADDRESS: 191 NORTH FIRST STREET CITY AND ZIP CODE: SAN JOSE, CA 95113 BRANCH NAME: CIVIL DIVISION	CASE NUMBER: 22CV398385
PLAINTIFF/PETITIONER: JEAN EILEEN BRADY DEFENDANT/RESPONDENT: COSTCO WHOLESALE CORPORATION	Ref. No. or File No.:
PROOF OF SERVICE OF SUMMONS	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): CIVIL LAWSUIT NOTICE
3. a. Party served (specify name of party as shown on documents served):
COSTCO WHOLESALE CORPORATION c/o C.T. CORPORATION
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
DIANA RUIZ, AGENT FOR SERVICE
4. Address where the party was served:
330 N. BRAND BLVD, STE 700, GLENDALE, CA 91230
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 06-10-22 (2) at (time): 10:41am
 - b. ☐ **by substituted service.** on (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: JEAN EILEEN BRADY DEFENDANT/RESPONDENT: COSTCO WHOLESALE CORPORATION	CASE NUMBER: 22CV398385
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5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*): **COSTCO WHOLESALE CORPORATION**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: BERTHA DEL RIVERO
- b. Address: 816 S. FIGUEROA STREET, STE 100, LOS ANGELES, CA 90017
- c. Telephone number: (213) 327-0014
- d. **The fee** for service was: \$
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: PS1664
- (iii) County: SANTA CLARA

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date: 06-15-22

BERTHA DEL RIVERO

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

TIMOTHY D. McMAHON, ESQ., SBN 117024

tim@cmalaw.net

BEN H. STODDARD, ESQ., SBN 306181

ben@cmalaw.net

CORSIGLIA McMAHON & ALLARD, LLP

96 NORTH THIRD STREET, SUITE 620

SAN JOSE, CALIFORNIA 95112

TELEPHONE: (408) 289-1417

FACSIMILE: (408) 289-8127

Attorneys for Plaintiff, JEAN BRADY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

JEAN EILEEN BRADY,

Plaintiff,

v.

COSTCO WHOLESALE
CORPORATION, and DOES 1 to 50,
inclusive,

Defendants.

Case No.: 18CV325365

**PLAINTIFF'S RESPONSES TO
DEFENDANT'S REQUEST FOR
STATEMENT OF DAMAGES**

Complaint Filed: June, 15, 2022

PROPOUNDING PARTY: Defendant, COSTCO WHOLESALE CORPORATION

RESPONDING PARTY: Plaintiff, JEAN BRADY

SET NUMBER: ONE

COMES NOW, Plaintiff, JEAN EILEEN BRADY, and pursuant to California
Code of Civil Procedure § 425.11, hereby sets forth the Request for Statement of
Damages being sought as follows:

Plaintiff objects to this request as it is premature and issued at the outset of
the case before any meaningful discovery has taken place. Plaintiff further objects
to this request the grounds it is vague, ambiguous, and overbroad. Moreover,
plaintiff objects to this request as it improperly and prematurely seeks expert
information/material.

Notwithstanding said objections, and subject thereto, and after reasonable and good faith effort to obtain the information, as plaintiff understands this request plaintiff responds as follows:

A. Economic Damages Known to Date

1. Plaintiff's past medical expenses to date are approximately \$5,420.70. Additionally, Plaintiff has required at-home care services valued at approximately \$42,465.00. Total of \$47,885.70.

2. Plaintiff's future medical expenses are conservatively estimated at \$75,000.00, plus the cost of additional at-home caregiver services on an as-needed basis of approximately \$4,000.00. Total of \$79,000.00.

Discovery is continuing and plaintiff reserves the right to update this response as additional information is obtained or discovered.

B. Non-Economic Damages:

1. General damages, including but not limited to, pain and suffering, humiliation, permanent physical disability, physical incapacity, loss of enjoyment of life, loss of consortium, emotional and/or nervous pain and suffering are estimated at \$1,000,000.00 or the amount according to proof, whichever is greater.

Discovery is continuing and plaintiff reserves the right to update this response as additional information is obtained or discovered.

Dated: July 29, 2022

CORSIGLIA, McMAHON & ALLARD

By: 

TIMOTHY McMAHON
BEN H. STODDARD
Attorneys for Plaintiff

VERIFICATION

I, the undersigned, declare that I have read the foregoing **PLAINTIFF'S RESPONSES TO DEFENDANT'S REQUEST FOR STATEMENT OF DAMAGES** and know the contents thereof and that the same is true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 25, 2022 at San Jose, California.

Jean E. Brady
JEAN BRADY

Brady v. Costco Wholesale, et al.

Santa Clara County Superior Court Case No. 22CV398385

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA

I am a citizen of the United States. My business address is 96 North Third Street, Suite 620, San Jose, CA 95112. I am employed in the County of Santa Clara, where this mailing occurs. I am over the age of 18 years, and not a party to the within cause. On the date set forth below, I served the attached document(s) described as:

• PLAINTIFF'S RESPONSES TO DEFENDANT'S REQUEST FOR STATEMENT OF DAMAGES

on the following person(s) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Defendant, Costco Wholesale Corporation

FORD, WALKER, HAGGERTY & BEHAR

Arthur J. Casey

16450 Los Gatos Boulevard, Suite #110

LOS GATOS, CALIFORNIA 95032

Telephone: (408) 660-3102

Facsimile: (408) 660-3105

acasey@fwhb.com

Mariela Nery, Assistant

mnery@fwhb.com

Lay Armanino, Paralegal

larmanino@fwhb.com

[] (BY MAIL) I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I sealed said envelope and placed it for collection and mailing on July 29, 2022 following ordinary business practices.

[] (BY FACSIMILE) I caused such document(s) to be delivered via facsimile this date to the offices of the addressee(s). Time Faxed

[] (BY OVERNIGHT MAIL) I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the person(s) at the address(es) listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

[] (BY EMAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the

1 following e-mail addresses [OR at the e-mail addresses listed above]. I did
2 not receive, within a reasonable time after the transmission, any electronic
message or other indication that the transmission was unsuccessful.

3 [X] BY ELECTRONIC TRANSMISSION ONLY. Only by emailing the
4 document(s) to the person(s) at the email address(es) listed, based on notice
5 provided on April 3, 2020 that during the ongoing COVID-19 coronavirus
6 pandemic this office will be working remotely, unable to send and receive
7 physical mail as usual, and is using only electronic mail at this time. No
electronic message or other indication that the transmission was
8 unsuccessful was received within a reasonable time after the transmission of
the document(s).

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct. Executed on July 29, 2022 at San Jose, California.

11 

12 Narelle M. Pedroza

1 ARTHUR J. CASEY [SBN 123273]
2 FORD, WALKER, HAGGERTY & BEHAR, LLP
3 16450 Los Gatos Blvd., Suite 110
4 Los Gatos, CA 95032
5 Tel: (408) 660-3102
6 Fax: (408) 660-3105
7 Email: acasey@fwhb.com

8 Attorneys for Defendant
9 COSTCO WHOLESALE CORPORATION

Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 7/11/2022 4:10 PM
Reviewed By: P. Lai
Case #22CV398385
Envelope: 9424545

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

JEAN EILEEN BRADY,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION;
and DOES 1 to 50.

Defendant.

Case No. 22CV398385

ANSWER TO COMPLAINT

COMES NOW Defendant, COSTCO WHOLESALE CORPORATION (“Defendant”), and in answer to the Complaint of Plaintiff JEAN EILEEN BRADY (“Plaintiff”) on file herein, admits, denies, and alleges as follows:

I.

Answering all causes of action pled by the above-named plaintiff, this answering defendant, pursuant to Code of Civil Procedure § 431.30, denies, both generally and specifically, every material allegation, including the damage allegations, in every cause of action alleged.

AFFIRMATIVE DEFENSES

AS A SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file herein, this answering defendant believes and thereon alleges that plaintiff was careless and negligent in and about

1 the matters complained of and that such carelessness and negligence contributed to the happening of
 2 the incident complained of, and the damages, if any, sustained thereby.

3 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file
 4 herein, this answering defendant is informed and believes and based thereon alleges that plaintiff, with
 5 full appreciation of the particular risks involved, nevertheless knowingly and voluntarily assumed the
 6 risks and hazards of the incident complained of, and the damages, if any, resulting therefrom.

7 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file
 8 herein, this answering defendant alleges that the Complaint fails to state facts sufficient to constitute a
 9 cause of action against this answering defendant.

10 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file
 11 herein, this answering defendant is informed and believes and based thereon alleges that plaintiff's
 12 causes of action are barred by reason of plaintiff's failure to mitigate damages, if any.

13 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file
 14 herein, this answering defendant asserts that plaintiff's injuries were caused or contributed to by third
 15 parties in a percentage to be determined at trial and that plaintiff's recovery of noneconomic damages
 16 shall be reduced in proportion to such third parties' percentage of fault. Civil Code § 1431.2.

17 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file
 18 herein, this answering defendant alleges that plaintiff's claims for noneconomic damages and other
 19 nonpecuniary damages, including, but not limited to, pain, suffering, inconvenience, physical
 20 impairment, and disfigurement, are barred by the provisions of Civil Code §§ 3333.3 and 3333.4 as
 21 adopted by the voters of the State of California as Proposition 213.

22 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file
 23 herein, this answering defendant alleges that said Complaint does not state facts sufficient to constitute
 24 a cause of action in that said Complaint is barred by the Statute of Limitations; to wit, by the
 25 provisions of the Code of Civil Procedure, § 335, et seq.

26 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file
 27 herein, this answering defendant is informed and believes and thereon alleges that the plaintiff's
 28 employer was negligent and careless and that this carelessness and negligence on the part of the

1 plaintiff's employer proximately caused or contributed to the damages, if any, sustained by the
2 plaintiff, and that by reason thereof, this answering defendant is entitled to a reduction in any verdict
3 which may be rendered against this defendant in the amount of any benefits paid or payable to the
4 plaintiff on behalf of the plaintiff's employer.

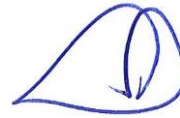
5 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file
6 herein, this answering defendant alleges that if plaintiff was, in fact, acting within the course and
7 scope of employment, plaintiff's exclusive remedy is before the Workers' Compensation Appeals
8 Board, this court having no jurisdiction to determine this matter.

9 WHEREFORE, this answering defendant prays that plaintiff take nothing by reason of the
10 Complaint on file herein, that this answering defendant be awarded costs of suit herein incurred, and
11 for such other, further, and different relief as may be deemed appropriate by the Court.

12 Dated: July 11, 2022

FORD, WALKER, HAGGERTY & BEHAR, LLP

13
14 By:



15 ARTHUR J. CASEY
16 Attorney for Defendant
17 COSTCO WHOLESALE CORPORATION
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PROOF OF SERVICE

Jean Eileen Brady vs. Costco Wholesale Corporation
Santa Clara County Case No.: 22CV398385

I, MARIELA NERY, declare:

I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed Ford, Walker, Haggerty & Behar, LLP. I am readily familiar with the firm's practice for collection and processing of documents for delivery by way of the service indicated below.

On **JULY 11, 2022**, I served the following document(s):

ANSWER TO COMPLAINT

on the interested parties in this action as follows:

☒ **BY E-MAIL:** I caused the document to be sent to the person(s) at the e-mail address(es) listed below, each of whom previously authorized electronic service of documents in this action. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ **BY MAIL:** By placing said document in an envelope or package for collection and mailing, addressed to the person at the address listed below, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same day that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

Timothy D. McMahon, Esq
CORSIGLIA MCMAHON & ALLARD, LLP
96 North Third Street, Suite 620
San Jose, CA 95112
Email: ben@cmalaw.net

Attorney for Plaintiff
JEAN EILEEN BRADY

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **JULY 11, 2022**, at Los Gatos, California.

Mariela Nery

MARIELA NERY

1 ARTHUR J. CASEY [SBN 123273]
2 FORD, WALKER, HAGGERTY & BEHAR, LLP
3 16450 Los Gatos Blvd., Suite 110
4 Los Gatos, CA 95032
5 Tel: (408) 660-3102
6 Fax: (408) 660-3105
7 Email: acasey@fwhb.com

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by Superior Court of CA,
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Envelope: 9424545

8 Attorneys for Defendant
9 COSTCO WHOLESALE CORPORATION

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

JEAN EILEEN BRADY,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION;
and DOES 1 to 50.

Defendant.

Case No. 22CV398385

**REQUEST FOR JURY TRIAL AND
NOTICE OF DEPOSIT OF JURY FEES**

TO THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA, AND TO
PLAINTIFF AND HER ATTORNEY OF RECORD:

Pursuant to California *Code of Civil Procedure* § 631, Defendant COSTCO WHOLESALE CORPORATION hereby requests a jury trial in this matter and deposits jury fees in the amount of \$150.00.

Dated: July 11, 2022

FORD, WALKER, HAGGERTY & BEHAR, LLP

By:



ARTHUR J. CASEY
Attorney for Defendant
COSTCO WHOLESALE CORPORATION

PROOF OF SERVICE

Jean Eileen Brady vs. Costco Wholesale Corporation
Santa Clara County Case No.: 22CV398385

I, MARIELA NERY, declare:

I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed Ford, Walker, Haggerty & Behar, LLP. I am readily familiar with the firm's practice for collection and processing of documents for delivery by way of the service indicated below.

On **JULY 11, 2022**, I served the following document(s):

REQUEST FOR JURY TRIAL AND NOTICE OF DEPOSIT OF JURY FEES

on the interested parties in this action as follows:

☒ **BY E-MAIL:** I caused the document to be sent to the person(s) at the e-mail address(es) listed below, each of whom previously authorized electronic service of documents in this action. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ **BY MAIL:** By placing said document in an envelope or package for collection and mailing, addressed to the person at the address listed below, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same day that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

Timothy D. McMahon, Esq
CORSIGLIA MCMAHON & ALLARD, LLP
96 North Third Street, Suite 620
San Jose, CA 95112
Email: ben@cmalaw.net

Attorney for Plaintiff
JEAN EILEEN BRADY

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **JULY 11, 2022**, at Los Gatos, California.

Mariela Nery

MARIELA NERY